

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

WILLIAM WISE MURRAY,

Petitioner,

v.

CIVIL ACTION NO. 2:05CV96

JOYCE FRANCIS, Warden,

Respondent.

**RECOMMENDATION THAT APPLICATION TO PROCEED
IN FORMA PAUPERIS BE DENIED AS MOOT**

On December 30, 2005, *pro se* petitioner, William Wise Murray, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and an application for leave to proceed *in forma pauperis*. The petitioner paid the \$5 filing fee on January 18, 2006¹ rendering the application for leave to proceed *in forma pauperis* moot.

Accordingly, it is recommended that the petitioner's December 30, 2005 application to proceed *in forma pauperis* be **DENIED AS MOOT**.

The petitioner may file within ten (10) days from the date of this Recommendation, with the Clerk of the Court written objections identifying the portions of the Recommendation to which objections are made, and the basis for such objections. A copy of such objections should also be submitted to the District Court Judge of Record. Failure to timely file objections to the Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); United States v. Schronce, 727

¹ Docket No. 4.

F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to mail a copy of this Recommendation to the *pro se* petitioner.

DATED: January 23, 2006

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE